

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

SOLAS OLED LTD.

Plaintiff,

v.

SAMSUNG DISPLAY CO., LTD., SAMSUNG  
ELECTRONICS CO., LTD., AND SAMSUNG  
ELECTRONICS AMERICA, INC.,

Defendants.

Civil Action No. 2:21-cv-00104-JRG

**DEFENDANTS' NOTICE OF STATUS OF  
*EX PARTE* REEXAMINATION PROCEEDINGS**

Defendants Samsung Display Co., Ltd. ("SDC"), Samsung Electronics Co., Ltd. ("SEC") and Samsung Electronics America, Inc. ("SEA") hereby notify the Court that on February 2, 2022, the United States Patent and Trademark Office ("USPTO") issued an Office Action ("the Office Action") rejecting claims 1–6 and 10–11 of U.S. Patent No. 7,499,042 ("the '042 patent"). A copy of the Office Action is attached as Exhibit A.

In the Office Action, the Examiner found that:

1. "Claims 1–6 and 10–11 are rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Sato in view of Shirasaki" (Ex. A at 15);
2. "Claims 1–6 and 10–11 are rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Shirasaki in view of Sato" (Ex. A at 27); and
3. "Claim 11 is rejected under pre-AIA 35 U.S.C. § 103(a) as being unpatentable over Miyazawa" (Ex. A at 36).

Accordingly, all claims of the '042 patent under reexamination now stand rejected based on multiple grounds, including all of the claims that are asserted against Defendants in this matter (*i.e.*, claims 1, 3, and 4).

The other patent at issue in this matter, U.S. Patent No. 7,663,615 (“the ’615 patent”), is also undergoing *ex parte* reexamination, and an office action in that proceeding is expected soon. As Defendants previously notified the Court, the USPTO granted SDC’s Request for *Ex Parte* Reexamination of claims 11–13 of the ’615 patent on October 7, 2021. (Dkt. 37). On December 7, 2021 Solas filed a Patent Owner’s Statement. (Ex. B). On December 23, 2021 SDC filed a Reply to Patent Owner’s Statement. (Ex. C). The ’615 patent reexamination proceedings have thus been ready for an office action to issue since late December 2021. In the ’615 patent reexamination proceedings, the USPTO granted SDC’s Request for *Ex Parte* Reexamination based on three prior art references, each represented by a separate ground, and Solas, in its Patent Owner’s Statement, only contested two of those grounds; Solas did not contest the third ground, which the USPTO found raises substantial new questions of patentability as to each of the claims of the ’615 patent asserted against Defendants in this matter (i.e., claims 11 and 13).

Dated: February 4, 2022

Respectfully submitted,

/s/ Melissa R. Smith

Melissa R. Smith  
State Bar No. 24001351  
GILLAM & SMITH, LLP  
303 South Washington Avenue  
Marshall, Texas 75670  
Telephone: (903) 934-8450  
Facsimile: (903) 934-9257  
Email: melissa@gillamsmithlaw.com

Jeffrey H. Lerner (*pro hac vice* pending)  
jlerner@cov.com  
Jared R. Frisch (*pro hac vice* pending)  
jfrisch@cov.com  
Daniel W. Cho (*pro hac vice* pending)  
dwcho@cov.com  
Tarek J. Austin (*pro hac vice* pending)

taustin@cov.com  
David J. Cho (*pro hac vice* pending)  
djcho@cov.com  
COVINGTON & BURLING LLP  
One CityCenter  
850 Tenth Street, NW  
Washington, DC 20001-4956  
Phone: (202) 662-6000  
Fax: (202) 662-6291

Robert T. Haslam (*pro hac vice* pending)  
rhaslam@cov.com  
COVINGTON & BURLING LLP  
3000 El Camino Real  
5 Palo Alto Square, 10<sup>th</sup> Floor  
Palo Alto, CA 94306-2112  
Phone: (650) 632-4700  
Fax: (650) 632-4800

***Attorney for Defendants  
Samsung Electronics Co., Ltd., Samsung  
Electronics America, Inc., and  
Samsung Display Co., Ltd.***

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that counsel of record who are deemed to have consented to electronic services are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this the 4<sup>th</sup> day of February, 2022.

/s/ Melissa R. Smith

Melissa R. Smith